

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**STATE ORIGIN  
AIR QUALITY PERMIT  
Issued under 401 KAR 52:040**

**Permittee Name:** Scotty's Contracting & Stone, LLC.  
**Mailing Address:** P.O. Box 4500, Bowling Green, Kentucky 42102

**Source Name:** Russellville Asphalt Plant  
**Mailing Address:** Same as above  
**Source Location:** 950 Stevenson Mill Road, Russellville, Kentucky 42276

**Source ID #:** 21-141-00058

**Regional Office:** Bowling Green Regional Office  
1508 Western Avenue  
Bowling Green, Kentucky 42104-3356  
(270) 746-7475

**County:** Logan

**Permit Number:** S-04-069  
**Log Number:** 56626  
**Permit Type:** Operating

**Application**  
**Complete Date:** September 3, 2004  
**Issuance Date:** September 20, 2004  
**Expiration Date:** September 20, 2014

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**John S. Lyons, Director  
Division for Air Quality**

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the Division, except as provided in this permit or in the Regulation 401 KAR 52:040, State-origin Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals that may be required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- 01      (1)              Rotary Dryer -Gas Fired (Astec Double Barrel) (Batch Mix)  
                                 (Maximum Rated Capacity- 415 tons/hour)  
                                 (Control: Astec baghouse)**

### **Applicable Regulations:**

State Regulation 401 KAR 60:005, Standards of performance for new stationary sources, which incorporates by reference 40 CFR 60.90 (40 CFR 60, Subpart I), applies the affected facility listed above.

State Regulation 401 KAR 50:032, Prohibitory rule for hot mix asphalt plants, applies to the affected facility listed above.

### **1. Operating Limitations:**

Pursuant to State Regulation 401 KAR 50:032, Section 3, the owner or operator shall comply with the following operational limits and fuel usage requirements:

- a. Batch mix plants shall not produce more than 360,000 tons of asphalt during any consecutive twelve (12) month period.
- b. Waste oil shall not be used as a fuel for the rotary dryer or the asphalt heater unless it has been recycled and meets or exceeds the following specifications:
  - (1). No more than five (5) ppm of arsenic,
  - (2). No more than two (2) ppm of cadmium,
  - (3). No more than ten (10) ppm of chromium,
  - (4). No more than 100 ppm of lead,
  - (5). No more than 1000 ppm of total halogens, and
  - (6). Minimum flash point of 100 degrees F.

### **2. Emission Limitations:**

- a. Pursuant to Regulation 40 CFR 60.92(a)(1), particulate matter emissions into the open air shall not exceed 0.04 gr/dscf.
- b. Pursuant to Regulation 40 CFR 60.92(a)(2), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **2. Emission Limitations (cont'd):**

#### ***Compliance Demonstration Method:***

- a. Should performance tests be required in the future to demonstrate continuing compliance with the particulate matter standard as listed above, the tests shall be conducted according to Reference Method 5.
- b. Should compliance with the opacity standard as listed above be required to be demonstrated in the future, the owner or operator shall use Reference Method 9.

### **3. Testing Requirements:**

Upon request by the Division pursuant to Regulation 401 KAR 50:045, Performance tests.

### **4. Monitoring Requirements:**

See Section C, General Condition F.2.

### **5. Recordkeeping Requirements:**

Pursuant to State Regulation 401 KAR 50:032, Prohibitory rule for hot mix asphalt plants, Section 4, monthly logs of asphalt production and fuel usage shall be maintained as follows:

- a. The production log shall show the amount of asphalt produced each month, in tons, and a rolling twelve (12) month total of asphalt production, obtained by adding each month's total to those for the previous eleven (11) months.
- b. The fuel usage log shall show the type and amount of fuels used each month. Fuel oils shall be identified by number (i.e., #2, #4, etc.) and fuel usage shall be expressed in gallons. Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage log for all fuel oils purchased and used.
- c. All logs and MSDS sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the cabinet or the U.S. EPA.

See also Section C, General Conditions B.1, B.2, and F.2.

### **6. Reporting Requirements:**

See Section C, General Conditions C.1., C.2., C.3., and F.3.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**02      (-)              Aggregate Handling**

**(-)              Stockpiles**

**04      (-)              Haul Road and Yard Area (Unpaved)**

**Applicable Regulations:**

State Regulation 401 KAR 63:010, Fugitive Emissions, applies to each of the affected facilities listed above.

**1.    Operating Limitations:**

N/A

**2.    Emission Limitations:**

The materials processed at each affected facility listed above shall be controlled with wet suppression and/or enclosures so as to comply with the requirements specified in State Regulation 401 KAR 63:010. Fugitive emissions, Section 3. Standards for fugitive emissions.

***Compliance Demonstration Method:***

See Section C, General Condition F.2.

**3.    Testing Requirements:**

N/A

**4.    Monitoring Requirements:**

See Section C, General Condition F.2.

**5.    Recordkeeping Requirements:**

See Section C, General Conditions B.1, B.2, and F.2.

**6.    Reporting Requirements:**

See Section C, General Conditions C.1, C.2, C.3, and F.3.

## SECTION C - GENERAL CONDITIONS

### A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 52:040, Section 3(1)(b) and is grounds for an enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040 Section 15]
3. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 52:040 Section 1a, 11]
4. Pursuant to materials incorporated by reference by 401 KAR 52:040, this permit may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [401 KAR 52:040 Section 1a, 4, 5]
5. The permit does not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:040 Section 1a, 8]
6. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:040 Section 11(3)]
7. This permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in 401 KAR 50:038, Air emission fee. The permittee shall submit an annual emissions certification pursuant to 401 KAR 52:040, Section 20.
8. State-Origin Operating Permit S-99-123 ®, dated December 30, 1999, is hereby null and void.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

### **B. Recordkeeping Requirements**

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 52:040 Section 3(1)(f)]
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 52:040, Section 21.

### **C. Reporting Requirements**

1. a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Bowling Green Regional Office concerning startups, shutdowns, or malfunctions as follows:
  1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. The permittee shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above) the probable cause of the deviation, and corrective or preventive measure taken; to the Division for Air Quality's Bowling Green Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report [Material incorporated by reference by 401 KAR 52:040, Section 5,3]
2. The permittee shall furnish, information requested by the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating this permit, or compliance with the permit. [401 KAR 52:040, Section 1a, 6]
3. Summary reports of any monitoring required by this permit shall be reported to the Division's Bowling Green Regional Office at least every six months during the life of this permit, unless otherwise stated in this permit. The reports are due within 30 days after the end of each six month reporting period. The initial issuance date of this permit establishes the beginning of the first reporting period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

**D. Inspections**

1. In accordance with the requirements of Regulation 401 KAR 52:040, Section 3(1)(f) the permittee shall allow the Cabinet or an authorized representative to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    1. During normal office hours, and
    2. During periods of an emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    1. During all hours of operation at the source,
    2. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    3. During an emergency.

**E. Emergencies/Enforcement Provisions**

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Material incorporated by reference by 401 KAR 52:040 Section 1a, 3].
2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency, and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

## **SECTION C - GENERAL CONDITIONS (CONTINUED)**

### **E. Emergencies/Enforcement Provisions (continued)**

3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.[401 KAR 52:040, Section 22(1)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:040 Section 22(2)].

### **F. Compliance**

1. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all;
  - (a) Applicable requirements that are include and specifically identified in this permit' or
  - (b) Non-applicable requirements expressly identified in this permit [401 KAR 52:040 Section11]
2. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
  - a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
  - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non routine maintenance performed on each control device.
  - c. A log of the monthly raw material consumption and monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program (spread sheets), calculations or performance tests as may be specified by the Division.

## SECTION C - GENERAL CONDITIONS (CONTINUED)

### F. Compliance (Continued)

3. Pursuant to Regulation 401 KAR 52:040, Section 19, the permittee shall certify compliance with the terms and conditions contained in this permits by January 30<sup>th</sup> of each year, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division's Bowling Green Regional Office in accordance with the following requirements:
  - a. Identification of each term or condition;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, and.
  - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Bowling Green Regional Office  
1508 Western Avenue  
Bowling Green, KY 41105-1507

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

## **SECTION D - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

| <u>Description</u> | <u>Generally Applicable</u> |
|--------------------|-----------------------------|
| <u>Regulation</u>  |                             |
| Asphalt Heater     | N/A                         |